



Section-by-Section of the “Discussion Draft: Brownfields Reauthorization” Committee on Energy and Commerce, Democratic Staff

Section 1. Redevelopment Certainty for Governmental Entities

This section amends the definition of “owner or operator” under Superfund to clarify protections for state and local governments that acquire ownership or control of a property through foreclosures or eminent domain. Existing law protects municipalities that acquire property “involuntarily,” but ambiguity in the application of that term has complicated some clean-up efforts.

Section 2. Petroleum Brownfields Enhancement

This section removes limits on clean-ups of petroleum-contaminated sites in current law. Specifically, the section removes a cap on the percentage of brownfields funding that can be used for petroleum sites and removes a requirement that the sites be found to be “relatively low risk.”

Section 3. Clarification of Leaseholder Interest

This section clarifies the definition of “bona fide prospective purchaser” under Superfund to allow leaseholders to qualify independent of site owners.

Section 4. Expanded Eligibility for Nonprofit Organizations

This section clarifies the eligibility of nonprofit organizations for brownfields revitalization funds.

Section 5. Treatment of Publicly Owned Brownfields Sites

This section allows eligible entities to access brownfields revitalization grants for publicly owned brownfields sites acquired before the establishment of the Brownfields program even if they do not qualify as bona fide prospective purchasers.

Section 6. Remediation Grant Enhancement

This section raises the limit on funding for cleanup grants from \$200,000 to \$500,000 per site. It also allows the Administrator to raise this cap to \$750,000 per site in certain cases based upon the level of contamination, size or ownership status of the site.

Section 7. Multipurpose Brownfields Grants

This section increases flexibility in the Brownfields program by allowing multipurpose grants to cover inventory, characterization, assessment, technical assistance and/or cleanup at one or more brownfields sites, provided that the recipients present a revitalization plan and demonstrate capacity to conduct the proposed activities.

Section 8. Administrative Costs for Grant Recipients

This section allows up to 5 percent of a brownfields grant to be spent on administrative costs.

Section 9. Renewable Energy on Brownfields Sites

This section requires the Administrator to consider the extent to which a grant would facilitate the production of renewable energy on site when evaluating grant applications for brownfields funding.

Section 10. Brownfields Funding.

This section authorizes appropriations for fiscal years 2017 through 2021 at an as yet undetermined level.

Section 11. State Response Program Funding.

This section authorizes appropriations for fiscal years 2017 through 2021 at an as yet undetermined level.